

LAW OFFICES OF JAMES C. DEZAO, P.A.

A t t o r n e y a t L a w

James C. DeZao -NJ
Bruce Montague-NY*

*of Counsel

322 Route 46 West, Suite 120
Parsippany, New Jersey 07054
Telephone (973) 808-8900
Facsimile (973) 808-8648

e-mail: jim@dezaolaw.com

New York Office
212-45 26th Avenue, Suite 7
Bayside, NY 11360
718-279-7555

April 26, 2013

Via Regular Mail

Martin Luther King Building & U.S. Courthouse
Honorable Mark Falk, U.S.M.J.
Courtroom PO 9
50 Walnut Street
Newark, NJ 07101

Re: *Gaines v. Fusari, et al*
Docket No. 11-cv-4433 (WJM)(MF)

Dear Magistrate Judge Falk:

This office represents the Defendants, Rob Fusari ("Fusari") and Fusari Productions, LLC ("the Defendants"), in the above-referenced matter. Please accept this letter as a supplement to the letter of April 25, 2013 this office sent you regarding the discovery dispute between the parties pertaining to the desired depositions of Brianna and Sabrina Gaines. This office has been unsuccessful in filing this letter electronically due to a computer/internet malfunction.

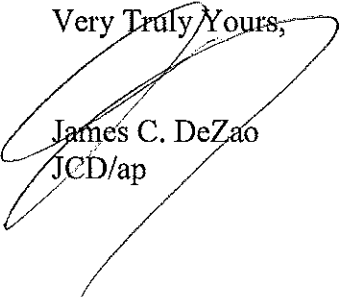
As I mentioned in my letter of yesterday, Plaintiff's Counsel has posited that the Defendants' request to depose Brianna and Sabrina is made in bad faith and requested for the purposes of harassment. Aside from the information contained in Defendants' Initial Disclosures, my review (yesterday) of documents the Plaintiff submitted in discovery (in anticipation of his deposition) revealed the following information further bolstering the relevance of the subject depositions:

- July 7, 2011 text message from Fusari to Gaines stating, *inter alia*: "... It's more that during [the] deposition process[,] when Brianna, . . . , and Sabrina are each brought in . . . certain past issues will need to be addressed with them to clarify our history"

- October 13, 2011 text message from Fusari to former counsel stating, *inter alia*, “Peter, [all the Gaines’ children] were all at my studio several times as well as spent countless hours in the studio.”

In light of the above, the Defendants respectfully request that the Court order that the depositions of Adrianna and Sabrina Gaines be permitted.

Very Truly Yours,



James C. DeZao
JCD/ap